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DISCLOSURE ADVISORY

1. Xavier Gonzalez is a named defendant in the civil action Leonard Kelley v. City of New York, et al., 158124/2014, filed in New York Supreme Court, involving an incident that occurred on May 9, 2014.
2. The New York County District Attorney's Office (DANY) investigated an arrest made by Xavier Gonzalez on June 10, 2016 for attempted grand larceny and jostling. The complaint in that case recited Officer Gonzalez's observations of the defendant reaching into the officer's own pocket and into the pocket and messenger bag of a civilian and moving but not taking the phone from the messenger bag. It also recited that "I am informed [by the civilian] that no other person had permission or authority to take or possess the above-mentioned cellphone." Investigation revealed that it was Officer Gonzalez's partner not Officer Gonzalez who spoke to that civilian. The civilian was not aware of any effort to take his property, and neither the partner nor the civilian recalled a discussion of whether the defendant had permission or authority to take or possess the phone. The case against the defendant was dismissed and DANY declined to prosecute Officer Gonzalez for Official Misconduct, P.L. §195.00(1) and for Offering a False Instrument for Filing in the 1st Degree, P.L. §175.35 for allegedly filing and causing to be filed various police reports and a criminal court complaint containing false statements about the arrest.

The New York Police Department investigated this matter and concluded that the allegation of Disputed Arrest was unsubstantiated and the charge of Falsify Official Records – Court Affidavit was unfounded.

Various publicly available websites and databases contain disciplinary information for certain law enforcement officers. Information in such databases about this officer is not necessarily included in this advisory.

Any information herein regarding civil lawsuits against an officer is not necessarily a complete list of civil lawsuits in which that officer is a defendant.

Allegations of misconduct that have not been substantiated and are not pending (including, but not limited to, findings of unsubstantiated, unfounded, and exonerated), and allegations of technical infractions, are not subject to disclosure and are not included in this advisory.

The decision to include information in this advisory does not represent a conclusion by the People that it is required to be disclosed.

The People reserve the right to oppose or move to limit the use of any information included herein or disclosed in the future.

If you have any questions, please contact the Assistant District Attorney assigned to the case on which you are receiving this advisory.

Date: October 29, 2020